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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,500	10/12/2001	Peter Yeung	031941-094	3432

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/976,500

Applicant(s)

YEUNG ET AL

Examiner

Ramy M. Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☒ Claim(s) 35,52,63 and 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to amendment filed 4/6/2005, where applicant requested examination of the preliminary amendment filed 10/21/2001. Claims 35-68 are pending.

Information Disclosure Statement

2. The IDS filed 5/13/2002 is acknowledged by the examiner.

Claim Objections

3. Claim 35 objected to because of the following informalities:
On line 15, change "concealed an" to "concealed from an".
4. Claim 52 objected to because of the following informalities:
Change "a HTTPS" to "an HTTPS".
5. Claim 63 objected to because of the following informalities:
On line 10, change "being" to "is".
6. Claim 66 objected to because of the following informalities:
On line 8, change "means whether" to "means for determining whether".
Appropriate action is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble is vague and indefinite because, on line 1, the word 'a' in "... of a distribution and maintenance" renders the sentence grammatically incorrect. Also, the word "or" on line 4 makes the preamble unclear; According to the word "between" on line 3, it seems like the word "or" on line 4 should be changed to "and".

The limitations of line 13 are unclear and difficult to understand. The limitation "at least one" gives the meaning of 'either a requesting application or an information providing application' which is inconsistent with the rest of the claim.

It is also unclear if the "requesting application" of line 12 is the same as the applications of line 3, or if they are two different types of applications. Similarly, it is unclear if the "information providing application" of line 12 is the same as the applications of line 3, or if they are two different types of applications.

9. Claim 58 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. On line 8, change "a request" to "where a request", or to any other acceptable form that will make the sentence coherent.

10. Claim 63 rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The limitations of line 7 are written in unclear language and are difficult to understand.
Appropriate correction is required.

On line 9, change "the user" to "where the user" and on line 11, change "an identity" to "where an identity", or to any other acceptable form that will make the sentence coherent.

11. Claim 66 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Line 15 is unclear and difficult to understand.

12. Claim 58 recites the limitation "the information providing application" in line 11; and also recites "the user identity" in line 12. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. **Claims 35-41,43-47,57-59,61,63,65 and 66 rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al (US Patent No 6,199,099).**

15. In reference to claims 35,58,63 and 66, Gershman teaches a system, a personal profile control network and a method for end-user control of a distribution and maintenance of end-user personal profile data in a data communications system providing communication between

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applications having or communicating with service, information, or content providers or holding means having end-user personal profile data, the system comprising:

a personal profile protection network with at least one central protection server means having or communicating with an information holding means holding personal protection profile information (column 30 lines 1-35), and

a number of distributed access means, wherein for each of said applications at least one access means is provided, a granting or rejecting of an access request for end-user personal profile data by a requesting application is determined by the central protection server in communication with at least one of a requesting application and an information providing application, translating means are provided for identity translation, an identity of a requesting application will be concealed an information providing application, and an identity of an information providing applications will be concealed from a requesting application (column 31 lines 1-25, column 34 line 45 – column 35 line 11 and figures 10A, 17 & 18).

16. In reference to claim 36, Gershman teaches the system according to claim 35, wherein there is one access means for each application (column 35 lines 5-40 and figures 17 & 18).

17. In reference to claim 37, Gershman teaches the system according to claim 35, wherein there are a plurality of access means for at least one application (column 35 lines 5-40 and figures 17 & 18).

18. In reference to claims 38 and 61, Gershman teaches the system and network according to claims 35 and 58, wherein the central server means only includes personal protection profile data, the personal profile data being distributed throughout the system (column 30 lines 30-65 and column 35 lines 1-11).

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19. In reference to claim 39, Gershman teaches the system according to claim 38, wherein the personal protection profile data includes information for each end-user of the system about which end-user personal profile data are accessible by a given application (column 34 line 45 – column 35 line 11).

20. In reference to claim 40, Gershman teaches the system according to claim 38, wherein the personal protection profiles are assigned one of a number of security levels, a lowest security level indicating that all personal profile data access is prevented for every application, and a highest security level indicating that all personal profile data is freely available (column 35 lines 5-60).

21. In reference to claims 41 and 59, Gershman teaches the system according to claims 35 and 58, wherein an interface between an application and respective access means comprises an Application Programmable Interface based on a generic markup language (column 9 line 10 – column 10 line 10).

22. In reference to claim 43, Gershman teaches the system according to claim 41, wherein access to requested end-user personal profile data is granted or rejected by the central server in communication with the requesting application.

23. In reference to claims 44 and 64, Gershman teaches the system according to claims 41 and 63, wherein access to requested end-user personal profile data is granted or rejected by the central server in communication with the information providing application (column 34 line 45 – column 35 line 11).

24. In reference to claims 45 and 65, Gershman teaches the system according to claims 41 and 63, wherein access to requested end-user personal profile data is granted or rejected by the

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central server in communication with the requesting application and the information providing application (column 34 line 45 – column 35 line 11).

25. In reference to claim 46, Gershman teaches the system according to claim 43, wherein first user identity translating means are provided at least in the central server means (column 34 line 45 – column 35 line 11).

26. In reference to claim 47, Gershman teaches the system according to claim 44, wherein second user identity translating means are provided in the access means of the requesting application (column 34 line 45 – column 35 line 11).

27. In reference to claim 57, Gershman teaches the system according to claim 35, wherein at least some of the applications include respective cache memory for temporarily holding information about access requests, and a previously used session can be reused at least for a given time period (columns 32-34).

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. **Claims 42,48-51 and 60 rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Gershman (US Patent No 6,199,099) in view of Weschler (US Patent No 6,757,720).**

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30. In reference to claims 42 and 60, Gershman teaches the system according to claims 41 and 59, including HTML (column 9 lines 10-40). Gershman fails to explicitly teach wherein the generic markup language is XML. However, Weschler does teach managing profile data via a profile service engine (Abstract and column 4 lines 45-67). Weschler discloses using a markup language such as XML for the usefulness of its dynamic formatting capabilities (column 8 lines 20-40 and column 9 lines 50-67).

It would have been obvious for one of ordinary skill in the art to modify Gershman by making the markup language as XML as per the teachings of Weschler for the usefulness of its dynamic formatting capabilities.

31. In reference to claim 48, Gershman teaches the system according to claim 41. Gershman fails to explicitly teach wherein for each pair of applications of the system a general Document Type Definition (DTD) is given to define an allowed flow of personal data. However, Weschler teaches managing profile data via a profile service engine (Abstract and column 4 lines 45-67). Weschler discloses DTD's for authenticating request messages (column 9 lines 50-67 and column 16 lines 18-65).

It would have been obvious for one of ordinary skill in the art to modify Gershman by giving DTD's for data flow as per the teachings of Weschler since it is a structure of markup languages for providing authentication.

32. In reference to claim 49, Gershman teaches the system according to claim 48. Gershman fails to explicitly teach wherein for each user a specific user DTD agreement is given (Weschler, column 9 lines 50-67 and column 16 lines 18-65).

33. In reference to claim 50, Gershman teaches the system according to claim 41. Gershman fails to explicitly teach wherein an access request for end-user profile data is transported from the requesting application to its access means using Remote Method Invocation (RMI), and the access request includes a user identity associated with the requested personal end-user profile (Weschler, column 8 lines 25-67).

34. In reference to claim 51, Gershman teaches the system according to claim 50. Gershman fails to explicitly teach wherein the request is transported as an XML transport object tagged with information about the requested end-user personal profile data (Weschler, column 8 lines 20-40 and column 9 lines 50-67).

35. Claim 52 rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Gershman (US Patent No 6,199,099) in view of Hoyle (US Patent No 6,771,290).

Gershman teaches the system according to claim 50, using HTTP and other protocols including secure protocols (column 9 lines 16-20 and column 35 lines 17-22). Gershman fails to explicitly teach wherein an HTTPS protocol is used for communication between the access means of the requesting or information holding application and the central server means. However, "Official Notice" is taken wherein HTTPS is a well-known security protocol for communication over HTTP, as is taught by Hoyle (column 12 lines 5-15).

It would have been obvious for one of ordinary skill in the art to modify Gershman by making the HTTP communication into HTTPS protocol as per the teachings of Hoyle for the purpose of secure communication over HTTP.

36. Claims 53-56,61,66 and 67 rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Gershman (US Patent No 6,199,099) in view of Hind et al (US Patent No 6,826,690).

37. In reference to claims 53 and 67, Gershman teaches the system according to claims 35 and 66. Gershman fails to explicitly teach wherein the access means of the information requesting or providing application includes means for encrypting the user identity associated with the requested end-user profile. However, Hind teaches encryption of the originator of the message (Summary and column 9 lines 40-67).

It would have been obvious for one of ordinary skill in the art to modify Gershman wherein the access means of the information requesting or providing application includes means for encrypting the user identity associated with the requested end-user profile as per the teachings of Hind for the purpose of secure participation of entities in communication.

38. In reference to claims 54,62 and 68, Gershman teaches the system according to claims 35,61 and 66. Gershman fails to explicitly teach wherein the request is digitally signed with at least one of a private key of the access means of the requesting application and a private key of the access means of the information providing application. However, Hind teaches generating a digital signature for a request using a servers private key for secure communication purposes (Summary and column 13 lines 30-60).

It would have been obvious for one of ordinary skill in the art to modify Gershman wherein the request is digitally signed with at least one of a private key of the access means of the requesting application and a private key of the access means of the information providing

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application as per the teachings of Hind for the purpose of secure participation of entities in communication.

39. In reference to claim 55, Gershman teaches the system according to claim 54, wherein the request is digitally signed with a private key of the central server means, and a digital signature of the access means are verified in the central server means (Hind, Summary and column 13 lines 30-60).

40. In reference to claim 56, Gershman teaches the system according to claim 55, wherein the central server means comprises means for encrypting at least the user identity associated with the requested information used by the information providing information (Hind, Summary and column 13 lines 30-60).

Response to Arguments

41. Applicant's arguments filed 4/6/2005, with respect to the incorrect examination of claims 1-34 have been considered. Therefore, the rejection has been withdrawn. A new ground(s) of rejection is submitted in regards to supplemental amendment filed 10/21/2001.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO

June 21, 2005


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